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REMARKS/DISCUSSION OF ISSUES

Priority Claim. The Applicant thanks Examiner Phu for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

Specification. The Applicant has amended the specification herein to correct errors in the specification. No new matter was introduced by the amendment of the specification herein.

Claims. Claims 1-7 have been amended herein of the non-statutory purposes of conforming the format and language of claims 1-7 with the American-style claim language, such as, for example, writing claims 5 and 7 in independent form.

In the Non-Final Office Action, Examiner Phu rejected pending claims 1-7 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Phu rejected claims 1, 2 and 5-7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,062,132 to *Yasuda* et al.

The Applicant has thoroughly considered Examiner Phu's remarks concerning the patentability of claims 1, 2 and 5-7 over *Yasuda*. The Applicant has also thoroughly read *Yasuda*. To warrant this anticipation rejection of claims 1, 2 and 5-7, *Yasuda* must show each and every limitation of claims 1, 2 and 5-7 in as complete detail as is contained in claims 1, 2 and 5-7. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 1, 2 and 5-7, because *Yasuda* fails to disclose and teaches away from an updating of performance data within a storage device as encompassed by claims 1, 2, and 5-7.

Specifically, *Yasuda* discloses an updating of non-performance data in the form of telephone numbers within a storage device. See, *Yasuda* at column 1, line 67 to column 2, line 11; column 2, line 66 to column 3, line 2; column 3, lines 59-68; and column 6, lines 4-19; and column 6, lines 48-61. Moreover, *Yasuda* teaches the

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advantage of its invention is to transfer the non-performance data from one handset to another handset without a manual inputting of the non-performance data. *See, Yasuda* at column 5, lines 39-50. Unequivocally, at the time of the present invention, one having ordinary skill in the art would have understood the *Yasuda* was exclusively directed to eliminating a need for a manual input of non-performance data within the capabilities of a novice. Thus, *Yasuda* teaches away from "updating means for updating the operation software stored within said storage device via an interfacing with another apparatus of the same type" as recited in independent claim 1, "tapping update data from a second apparatus of the same type as the first apparatus to update the operation software in the first apparatus" as recited in independent claim 5, and "means for exchanging update data for updating operation software stored within a first apparatus wherein a second apparatus communicates the update data to the first apparatus and the operation software stored within the first apparatus is updated with the update data" are recited in independent claim 7.

Withdrawal of the rejection of claims 1, 2 and 5-7 under §102(b) as being anticipated by *Yasuda* is therefore respectfully requested.

- B. Examiner Phu rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,062,132 to *Yasuda* et al. in view of U.S. Patent No. 6,285,916 to *Grant* et al.

Claims 3 and 4 depend from independent claim 1. Therefore, dependent claims 3 and 4 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 3 and 4 are allowable over *Yasuda* in view of *Grant* for at least the same reason as set forth with respect to independent claim 1. Withdrawal of the rejection of dependent claims 3 and 4 under U.S.C. §103(a) as being patentable over *Yasuda* in view of *Grant* is therefore respectfully requested.

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SUMMARY

Examiner Phu's rejections of pending claims 1-7 have been obviated by the remarks herein supporting an allowance of claims 1-7 over *Yasuda*. The Applicant respectfully submits that claims 1-7 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Phu is respectfully requested to contact the undersigned at the telephone number listed below.

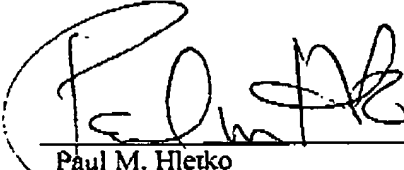
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Respectfully submitted,
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